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28UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIASHARON NOELLE HARRIS,
Plaintiff,
v.
WELLS FARGO BANK, N.A.,
Defendant.

Case No. 12-cv-05629-JST

**ORDER REMANDING ACTION TO
STATE COURT**

On January 3, 2014, the Court issued an order to show cause why this action should not be remanded to state court in light of the Court's decision in Vargas v. Wells Fargo Bank, N.A. __ F. Supp. 2d __, 2013 WL 6235575, No. 3:12-cv-02008-JST (N.D. Cal. Dec. 2, 2013), in which the Court concluded that, for diversity purposes, Defendant Wells Fargo Bank, N.A. is a citizen of California as well as South Dakota, rendering this case non-diverse. Order, ECF No. 52.

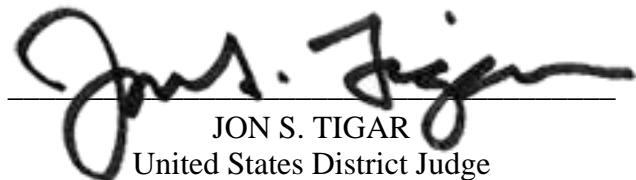
In its response, Wells Fargo opposed remand and requested a stay in favor of an appeal before the Ninth Circuit in an unrelated case presenting similar issues as those presented here. ECF No. 53. The Court ordered Plaintiff to respond to Wells Fargo's request for a stay. ECF No. 54. Plaintiff responded by letter filed January 30, 2014, ECF No. 55, in which she opposes a stay.

In light of Plaintiff's response, the Court will remand this action, as it concludes that an indefinite stay in favor of an unrelated case that is currently on appeal would be inappropriate. See Dependable Highway Exp., Inc. v. Navigators Ins. Co., 498 F.3d 1059, 1067 (9th Cir. 2007) (reversing district court's entry of indefinite stay) (citing Yong v. I.N.S., 208 F.3d 1116, 1119 (9th Cir. 2000) (reversing district court's entry of indefinite stay in favor of appeal in unrelated case)).

Due to the Court's lack of subject matter jurisdiction, this action is hereby REMANDED to the Superior Court of San Mateo County for further proceedings. The Clerk shall close the case.

IT IS SO ORDERED.

Dated: February 3, 2014



JON S. TIGAR
United States District Judge